

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,

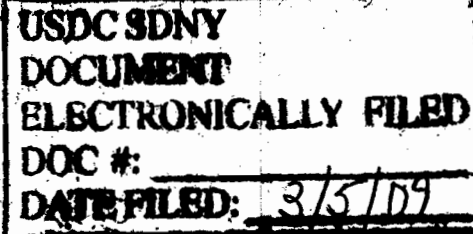
Plaintiff,

-against-

AMERICAN EXPRESS CORP. and QING LIN,

Defendants.

THEODORE H. KATZ, UNITED STATES MAGISTRATE JUDGE.



06 Civ. 03834 (JGK) (THK)

ORDER

(PRO SE)

In response to Defendants' complaints that Plaintiff was initiating direct, harassing communications with Defendants about matters related to this litigation, notwithstanding the fact that Defendants are represented by counsel, and was calling personnel in Defendants' counsel's office, other than counsel herself, on November 21, 2008, the Court issued an Order prohibiting any further such communications and advising Plaintiff that he would face sanctions if the Order were violated. It has now been brought to the Court's attention that, on February 19, 2009, Plaintiff had a conversation with the Assistant Secretary of American Express in which, under the guise of seeking a seat on the American Express Board of Directors, he went into a protracted diatribe about this litigation. Plaintiff then followed up with a letter to the Assistant Secretary in which he again discussed the litigation. In addition, on December 30, 2008, Plaintiff sent an e-mail to the Corporate Secretary of American Express, in which he sought information relating to this lawsuit.

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TO COUNSEL OF RECORD ON 3/5/09

Defendants seek a monetary sanction in the amount of \$825.00, to compensate them for the costs associated with making the instant application to the Court, and seek a further warning to Plaintiff that the next time he attempts to communicate directly with American Express about any matter touching on this action, the case will be dismissed. (See Letter from Jean Y. Park, Esq., dated Feb. 24, 2000.)

The Court rejects Plaintiff's explanation that he needed to discuss the litigation because of a remark the Assistant Secretary made. (See Plaintiff's Opposition to Defendants' Motion for Sanctions, dated Feb. 25, 2009.) Moreover, other than stating that he sent a copy of his December 30, 2008 e-mail to the Corporate Secretary, to Defendants' counsel and the Court, Plaintiff does not deny that it contained a request for information relating to this action, nor can he. On its face, the e-mail makes such a request.

The Court warned Plaintiff that violation of its November 21, 2008 Order could lead to dismissal of this action. The Court chooses not to impose such a harsh sanction at the present time. Instead, it is hereby ordered that Plaintiff pay a monetary sanction to Defendants in the amount of \$250.00. The check shall be sent to Defendants' counsel within fourteen (14) days of this Order. In addition, the Court broadens its prohibition on direct communications with American Express, which remains in effect. While this litigation is pending, any communications with American

Express, other than those that relate to Plaintiff's use of his personal credit card, shall be in writing. This measure will eliminate any future disagreement about whether a communication did or did not relate to this litigation. Failure to comply with this Order shall result in the imposition of additional sanctions, including the possible dismissal of this action.

So Ordered.



THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: March 5, 2009
New York, New York